

REMARKS

Claims 102-107, 109-112, 114-133, 137-139, 141, 142, 145-149, 151-175, and 179-181 are pending. Claims 102, 103, 105-107, 112, 114, 118, 120, 127, 130, 133, 137, 138, 139, 141, 142, 145, 147-149, 154-156, 160, 162, 172, 175, and 179-181 stand rejected under 35 U.S.C. §102(e) as being anticipated by Akerfeldt (U.S. 6,596,012). Claims 104, 108-111, 113, 115, 116, 117, 119, 121-126, 128, 129, 131, 132, 146, 151-153, 157-159, 161, and 163-171 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Akerfeldt in view of Gilson (U.S. 5,904,703) and further in view of Bao et al. (U.S. 6,224,630).

The rejections are respectfully traversed.

Rejection under 35 U.S.C. § 102(e)

Claims 102, 103, 105-107, 112, 114, 118, 120, 127, 130, 133, 137, 138, 139, 141, 142, 145, 147-149, 154-156, 160, 162, 172, 175, and 179-181 stand rejected under 35 U.S.C. §102(e) as being anticipated by Akerfeldt (U.S. 6,596,012).

Akerfeldt was filed on April 18, 2001, claiming priority to U.S. Provisional Application 60/204,118, filed May 15, 2000. A copy of the '118 provisional is attached for the convenience of the Examiner. It is noted that the embodiment relied upon in the Official Action on page 3, specifically that of Figs. 12 and 13, was not part of the '118 provisional, and therefore is not entitled to any priority filing date. At the earliest, Akerfeldt's disclosure relied upon by the Official Action is entitled to the filing date of the utility application which issued as the Akerfeldt '012 patent, which is April 18, 2001.

Without regard to which date applies to Akerfeldt's disclosure, the present application claims priority to U.S. Provisional Application 60/160,710, filed Oct. 20, 1999. The present claims are fully enabled and described by the priority provisional

application. A copy of the priority provisional application is attached for the convenience of the Examiner.

Because Applicant is entitled to an earlier effective filing date than Akerfeldt, the reference is not prior art under 35 U.S.C. § 102, and it is respectfully requested that the rejection be withdrawn.

Rejection under 35 U.S.C. § 103(a)

Claims 102-133, 137-139, 145-147, 151-153, 157-159, 161, and 163-171 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Akerfeldt in view of Gilson (U.S. 5,904,703) and further in view of Bao et al. (U.S. 6,224,630).

The Examiner relies on Akerfeldt, which is defective for the reasons given above. Gilson and Bao are relied upon apparently only for their teachings of various materials and fixation means. Applicant notes the fact that Bao is a plug, and does not seal an aperture in a similar or related way as either Akerfeldt or Gilson. In any event, neither Gilson nor Bao cure the deficiencies of the primary reference Akerfeldt, and do not in turn disclose, teach or suggest the claimed invention.

Withdrawal of the rejection is therefore respectfully requested.

Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

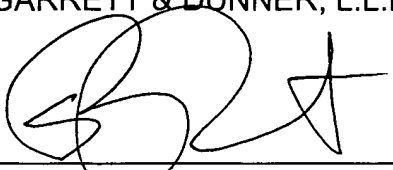
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Date: September 26, 2006

By:


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Attachments: copy of U.S. Provisional Application 60/160,710
copy of U.S. Provisional Application 60/204,118